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PATENT
Customer No. 22,852
Attorney Docket No. 3626.0034-09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventive Application of:

E. LAWTON, et al.

Application No.: 09/705,575

Filed: November 3, 2000

For: IMPREGNATED GLASS FIBER
STRANDS AND PRODUCTS
INCLUDING THE SAME

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) Group Art Unit: 1774

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) Examiner: J. Gray
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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the Office Action dated May 8, 2002, reconsideration of this application in view of the following remarks is respectfully requested.

In the Office Action, the Office has required restriction under 35 U.S.C. § 121 to "elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable." Office Action at 2. The Office contends that the application contains claims directed to the following patentably distinct species:

- a. inorganic particles – claims 9-11
- b. organic hollow particles – claims 12-13, 28-31, and 35-37
- c. composite particles – claims 14-17
- d. lamellar particles – claims 26-27
- e. mixture of inorganic, organic hollow, and composite particles—claims 1 and 32.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

The election of species requirement is respectfully traversed. To be fully responsive, however, Applicants elect with traverse boron nitride as the species of particles. At least claims 1-11, 18-27, and 32-34 read on the elected species of particles.

Applicants traverse the election of species requirement on the grounds that the Office has not shown that there would be a serious burden to examine all of the recited species of the claimed particles. In fact, the Office has failed to state that any burden exists to examine all of the species of particles recited in the present claims. Moreover, the Office previously issued an Office Action in which all pending claims were examined on their merits. Accordingly, Applicants respectfully request that all the recited species continue to be examined in this application.

If the Office chooses, however, to maintain the election of species requirement, Applicants expect that the Office, if the elected species is found allowable, to continue to examine the full scope of claims 1-37 to the extent necessary to determine the patentability of these pending claims, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Mark D. Sweet
Reg. No. 41,469

Dated: June 10, 2002

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com